

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:12CR243
)	
Plaintiff,)	
)	MEMORANDUM
vs.)	AND ORDER
)	
AARON CLARK,)	
)	
Defendant.)	

This matter is before the Court on the Defendant's Motion for Extension of Time to File an Appeal (Filing No. 109).

On September 30, 2013, the Defendant pled guilty to Counts II and V of the Superseding Indictment. Pursuant to the Plea Agreement, Section VI, the Defendant waived his right of appeal (Filing No. 98, p.5). On January 7, 2014, the Court entered Judgment and sentenced the Defendant to 82 months on Count II and 120 months on Count V to be served consecutively and 3 years supervised release on Count II and 5 years supervised release on Count V to run concurrently (Filing No. 107). On February 7, 2014, the Defendant filed a motion requesting an extension to file his appeal.

Federal Appellate Rule of Procedure 4(b)(1)(A)(i) provides that, under the circumstances presented in this case, a criminal defendant's notice of appeal must be filed within 14 days of the entry of the judgment or order being appealed. Federal Appellate Rule of Procedure 4(b)(4) provides that the 14-day period may be extended by 30 days upon a finding of excusable neglect or good cause.

In this case, the Defendant has not shown excusable neglect or good cause. Also, as part of the Plea Agreement, the Defendant waived his right to appeal his conviction and sentence. Accordingly, the Defendant's motion will be denied.

IT IS ORDERED that the Defendant's Motion for Extension of Time to File an Appeal (Filing No. 109) is denied.

DATED this 11th day of February, 2014.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge